

IN THE CLAIMS

1. (Currently Amended) A method for operating a data processing system, said method comprising:

[inserting] receiving a writeable media into a drive system which is coupled to said data processing system (DPS);

[instructing said data processing system (DPS)] receiving an instruction to write or erase first data on said writeable media; and

[instructing said DPS] receiving through a graphical user interface a command to eject said writeable media from said drive system, wherein upon said [instructing said DPS] receiving of said command to eject, said DPS writes or erases said first data on said writeable media.
2. (Original) A method as in claim 1 wherein said writeable media is an optical disk.
3. (Original) A method as in claim 2 wherein said optical disk is a CD-R disk or CD-RW disk or a DVD disk.
4. (Currently Amended) A method as in claim 2 wherein said writeable media is blank when said [inserting] receiving of said writeable media is performed.
5. (Currently Amended) A method as in claim 2 further comprising:

displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, a prompt to a user with at least two selectable options which allow a user to: (1) eject said writeable media or (2) use said writeable media.

6. (Currently Amended) A method as in claim 2 further comprising:  
displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, an icon of said writeable media, wherein said icon is displayed on a desktop interface of said DPS.
7. (Currently Amended) A method as in claim 6 wherein said icon may be directly used through [[a]] the graphical user interface to write data onto said writeable media.
8. (Currently Amended) A method as in claim 5 further comprising if the use selectable option was selected:  
displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, an icon of said writeable media, wherein said icon is displayed on a desktop interface of said DPS.
9. (Original) A method as in claim 5 wherein if the use selectable option is selected, said method further comprising:  
creating automatically, in response to the use selectable option being selected, a data file on a storage device which is coupled to said DPS prior to writing data to said writeable media.
10. (Original) A method as in claim 9 wherein said data file represents an entire capacity of said writeable media.

11. (Original) A method as in claim 10 wherein said data file represents a data cache for said writeable media.

12. (Original) A method as in claim 7 wherein said icon is directly used by a method which includes one of (a) dragging and dropping of at least one icon onto said icon, or (b) copying and pasting said at least one icon onto said icon.

13. (Original) A method as in claim 6 wherein said desktop interface comprises a plurality of icons for a corresponding plurality of storage devices coupled to said DPS and a plurality of icons representing data files and subdirectories.

14. (Currently Amended) A method for operating a data processing system, said method comprising:

[inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
displaying automatically, in response to said [inserting] receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to: (1) eject said blank once writeable media from said drive system or (2) use said blank once writeable media in said drive system or (3) launch an audio CD creation program.

15. (Original) A method as in claim 14 wherein if said user selects to use said blank writeable media, said method further comprises:

displaying automatically, in response to said user selecting to use said blank writeable media, an icon representing said blank writeable media on said display device.

16. (Original) A method as in claim 15 wherein said icon is displayed on a desktop interface of said DPS and wherein said icon may be directly used to write data onto said blank writeable media.

17. (Original) A method as in claim 15 wherein said icon is displayed before formatting of said blank writeable media.

18. (Currently Amended) A method for operating a data processing system, said method comprising:

[inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
creating automatically, in response to said [inserting] receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media.

19. (Original) A method as in claim 18 wherein said data file represents an entire storage capacity of said blank writeable media.

20. (Original) A method as in claim 19 wherein said data file represents a data cache for copying data from said data file to said blank writeable media when said blank writeable media is written to.

21. (Original) A method as in claim 20 wherein said blank writeable media is a CD-R disk or a CD-RW disk or a DVD disk.

22. (Currently Amended) A method as in claim 19 further comprising:  
displaying automatically, in response to said [inserting] receiving and on a display device coupled to said DPS, a prompt to a user with at least two selectable options which allow said user to (1) eject said blank writeable media from said drive system or (2) use said blank writeable media in said drive system.

23. (Original) A method as in claim 22 wherein said creating follows after said user selects to use said blank writeable media.

24. (Original) A method as in claim 18 wherein said storage device is a boot drive for said DPS and contains an operating system for said DPS.

25. (Currently Amended) A machine readable medium which stores executable computer program instructions which when executed by a data processing system cause said data processing system to perform a method, said method comprising:  
[inserting] receiving a writeable media into a drive system which is coupled to said data processing system (DPS);  
[instructing said data processing system (DPS)] receiving an instruction to write or erase first data on said writeable media; and  
[instructing said DPS] receiving through a graphical user interface a command to eject said writeable media from said drive system, wherein upon said

[instructing said DPS] receiving of said command to eject, said DPS writes or erases said first data on said writeable media.

26. (Original) A machine readable medium as in claim 25 wherein said writeable media is an optical disk.

27. (Original) A machine readable medium as in claim 26 wherein said optical disk is a CD-R disk or CD-RW disk or a DVD disk.

28. (Currently Amended) A machine readable medium as in claim 26 wherein said writeable media is blank when said [inserting] receiving of said writeable media is performed.

29. (Currently Amended) A machine readable medium as in claim 26 wherein said method further comprises:

displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, a prompt to a user with at least two selectable options which allow a user to: (1) eject said writeable media or (2) use said writeable media.

30. (Currently Amended) A machine readable medium as in claim 26 wherein said method further comprises:

displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, an icon of said writeable media, wherein said icon is displayed on a desktop interface of said DPS.

31. (Currently Amended) A machine readable medium as in claim 30 wherein said icon may be directly used through [[a]] the graphical user interface to write data onto said writeable media.

32. (Currently Amended) A machine readable medium as in claim 29 wherein said method further comprises if the use selectable option was selected:

displaying automatically, in response to said [inserting] receiving of said writeable media and on a display device coupled to said DPS, an icon of said writeable media, wherein said icon is displayed on a desktop interface of said DPS.

33. (Currently Amended) A method machine readable medium as in claim 29 wherein if the use selectable option is selected, said method further comprising:  
creating automatically, in response to the use selectable option being selected, a data file on a storage device which is coupled to said DPS prior to writing data to said writeable media.

34. (Original) A machine readable medium as in claim 33 wherein said data file represents an entire capacity of said writeable media.

35. (Original) A machine readable medium as in claim 34 wherein said data file represents a data cache for said writeable media.

36. (Original) A machine readable medium as in claim 31 wherein said icon is directly used by a method which includes one of (a) dragging and dropping of at least one icon onto said icon, or (b) copying and pasting said at least one icon onto said icon.

37. (Original) A machine readable medium as in claim 30 wherein said desktop interface comprises a plurality of icons for a corresponding plurality of storage devices coupled to said DPS and a plurality of icons representing data files and subdirectories.

38. (Currently Amended) A machine readable medium which stores executable computer program instructions which when executed on a data processing system cause said data processing system to perform a method, said method comprising:

[inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
displaying automatically, in response to said [inserting] receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to: (1) eject said blank once writeable media from said drive system or (2) use said blank once writeable media in said drive system or (3) launch an audio CD creation program.

39. (Original) A machine readable medium as in claim 38 wherein if said user selects to use said blank writeable media, said method further comprises:

displaying automatically, in response to said user selecting to use said blank writeable media, an icon representing said blank writeable media on said display device.

40. (Original) A machine readable medium as in claim 39 wherein said icon is displayed on a desktop interface of said DPS and wherein said icon may be directly used to write data onto said blank writeable media.

41. (Original) A machine readable medium as in claim 39 wherein said icon is displayed before formatting of said blank writeable media.
42. (Currently Amended) A machine readable medium which stores executable computer program instructions which when executed by a data processing system cause said system to perform a method, said method comprising:  
[inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
creating automatically, in response to said [inserting] receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media.
43. (Original) A machine readable medium as in claim 42 wherein said data file represents an entire storage capacity of said blank writeable media.
44. (Original) A machine readable medium as in claim 43 wherein said data file represents a data cache for copying data from said data file to said blank writeable media when said blank writeable media is written to.
45. (Original) A machine readable medium as in claim 44 wherein said blank writeable media is a CD-R disk or a CD-RW disk or a DVD disk.
46. (Currently Amended) A machine readable medium as in claim 43 wherein said method further comprises:  
displaying automatically, in response to said [inserting] receiving and on a display device coupled to said DPS, a prompt to a user with at least two

selectable options which allow said user to (1) eject said blank writeable media from said drive system or (2) use said blank writeable media in said drive system.

47. (Original) A machine readable medium as in claim 46 wherein said creating follows after said user selects to use said blank writeable media.

48. (Original) A machine readable medium as in claim 42 wherein said storage device is a boot drive for said DPS and contains an operating system for said DPS.

49. (Currently Amended) A data processing system comprising:  
means for [inserting] receiving a writeable media into a drive system which is coupled to said data processing system (DPS);  
means for [instructing said data processing system (DPS)] receiving an instruction to write or erase first data on said writeable media; and means for [instructing said DPS] receiving through a graphical user interface a command to eject said writeable media from said drive system, wherein upon said [instructing said DPS] receiving of said command to eject, said DPS writes or erases said first data on said writeable media.

50. (Original) A DPS as in claim 49 wherein said writeable media is an optical disk.

51. (Original) A DPS as in claim 50 wherein said optical disk is a CD-R disk or CD-RW disk or a DVD disk.

52. (Currently Amended) A DPS as in claim 50 wherein said writeable media is blank when said [inserting] receiving of said writeable media is performed.

53. (Currently Amended) A DPS as in claim 50 further comprising:  
means for displaying automatically, in response to said [inserting] receiving of  
said writeable media and on a display device coupled to said DPS, a  
prompt to a user with at least two selectable options which allow a user to:  
(1) eject said writeable media or (2) use said writeable media.
54. (Currently Amended) A DPS as in claim 50 further comprising:  
means for displaying automatically, in response to said [inserting] receiving of  
said writeable media and on a display device coupled to said DPS, an icon  
of said writeable media, wherein said icon is displayed on a desktop  
interface of said DPS.
55. (Currently Amended) A DPS as in claim 54 wherein said icon may be directly  
used through [[a]] the graphical user interface to write data onto said writeable media.
56. (Currently Amended) A DPS as in claim 53 further comprising if the use  
selectable option was selected:  
means for displaying automatically, in response to said [inserting] receiving of  
said writeable media and on a display device coupled to said DPS, an icon  
of said writeable media, wherein said icon is displayed on a desktop  
interface of said DPS.
57. (Currently Amended) A DPS as in claim 53 wherein if the use selectable option  
is selected, said DPS further comprising:

means for creating automatically, in response to the use selectable option being selected, a data file on a storage device which is coupled to said DPS prior to writing data to said writeable media.

58. (Original) A DPS as in claim 57 wherein said data file represents an entire capacity of said writeable media.

59. (Original) A DPS as in claim 58 wherein said data file represents a data cache for said writeable media.

60. (Original) A DPS as in claim 55 wherein said icon is directly used by a method which includes one of (a) dragging and dropping of at least one icon onto said icon, or (b) copying and pasting said at least one icon onto said icon.

61. (Original) A DPS as in claim 54 wherein said desktop interface comprises a plurality of icons for a corresponding plurality of storage devices coupled to said DPS and a plurality of icons representing data files and subdirectories.

62. (Currently Amended) A data processing system comprising:  
means for [inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
means for displaying automatically, in response to said [inserting] receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to: (1) eject said blank once writeable media from said drive system or (2) use said blank once

writeable media in said drive system or (3) launch an audio CD creation program.

63. (Original) A DPS as in claim 62 wherein if said user selects to use said blank writeable media, said method further comprises:

means for displaying automatically, in response to said user selecting to use said blank writeable media, an icon representing said blank writeable media on said display device.

64. (Original) A DPS as in claim 63 wherein said icon is displayed on a desktop interface of said DPS and wherein said icon may be directly used to write data onto said blank writeable media.

65. (Original) A DPS as in claim 63 wherein said icon is displayed before formatting of said blank writeable media.

66. (Currently Amended) A data processing system comprising:  
means for [inserting] receiving a blank writeable media into a drive system which is coupled to said data processing system (DPS);  
means for creating automatically, in response to said [inserting] receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media.

67. (Original) A DPS as in claim 66 wherein said data file represents an entire storage capacity of said blank writeable media.

68. (Original) A DPS as in claim 67 wherein said data file represents a data cache for copying data from said data file to said blank writeable media when said blank writeable media is written to.

69. (Original) A DPS as in claim 68 wherein said blank writeable media is a CD-R disk or a CD-RW disk or a DVD disk.

70. (Currently Amended) A DPS as in claim 67 further comprising:  
means for displaying automatically, in response to said [inserting] receiving and  
on a display device coupled to said DPS, a prompt to a user with at least  
two selectable options which allow said user to (1) eject said blank  
writeable media from said drive system or (2) use said blank writeable  
media in said drive system.

71. (Original) A DPS as in claim 70 wherein said creating follows after said user selects to use said blank writeable media.

72. (Original) A DPS as in claim 66 wherein said storage device is a boot drive for said DPS and contains an operating system for said DPS.

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been cancelled. Claims 1, 4-8, 14, 18, 22, 25, 29, 30-33, 38, 42, 46, 49, 52-57, 62, 66 and 70 have been amended. No new claims have been added. Therefore, claims 1-72 are presented for examination.

### **Clarification**

In the present Office Action, the Examiner rejected various claims over two references respectively referred to as "De Vorchik, US 5,611,066," and "De Vorchik US 6,356,971 B1" However, U.S. Patent 6,356,971 is issued to Keele et al., and U.S. Patent 6,356,971 is issued to Katz et al. Applicant called the Examiner for clarification, but attempts to reach the Examiner were unsuccessful. Per a telephone discussion on April 6, 2004 with the Examiner's Supervisor, Kristine Kincaid, each of the Examiner's references to "De Vorchik," actually refers to U.S. Patent Application Publication 2002/0051019 to De Vorchik et al. Accordingly, Applicant's present response addresses the De Vorchik publication.

### **Oath/Declaration**

The Examiner has found the oath or declaration to be defective because the inventor's signature is missing. Applicant respectfully submits that a signed declaration was mailed to the USPTO on April 23, 2001, in response to a Notice of Missing Parts. Applicant has enclosed a copy of such submission, along with a stamped postcard received from the USPTO indicating receipt of such submission on April 26, 2001. Accordingly, Applicant respectfully submits that the declaration is not defective.

### **Drawings**

The Examiner has objected to Figure 1 for not being designated by a legend as Prior Art. Applicant has corrected Figure 1 to include the designation "Prior Art." A replacement drawing is enclosed with the present submission. Accordingly, Applicant respectfully requests the withdrawal of the objection.

## **Rejections Under 35 U.S.C. §102**

*De Vorchik*

Claims 1, 2, 4, 5, 9-11, 14, 18-20, 22, 23, 25, 26, 28, 29, 33-35, 38, 42-44, 46, 47, 49, 50, 52, 53, 57-59, 62, 66-68, 70 and 71 stand rejected under 35 U.S.C. §102(e) as being anticipated by De Vorchik et al., U.S. Patent Application Publication No. 2002/0051019 ("De Vorchik"). Applicant respectfully submits, however, that the present claims are not anticipated by De Vorchik.

Applicant respectfully submits that the portions of De Vorchik referenced by the Examiner may not be properly relied upon for rejection. De Vorchik's Published Application was filed May 3, 2001, and claims the benefit of Provisional Patent Application 60/244,830, filed October 31, 2000. Since the filing date of De Vorchik's Published Application (2002/0051019) is after Applicant's filing date of January 8, 2001, the Examiner may only rely upon the disclosure supported by De Vorchik's Provisional Application. A copy of each of De Vorchik's Published Application and De Vorchik's Provisional Application are submitted herewith both as part of an Information Disclosure Statement and as an attachment to this response.

De Vorchik's Provisional Application (60/244,830) is directed to writing data onto CDs or DVDs. When a user drags files to a CD, they are placed into a staging folder on the user's hard drive which contains shortcuts to the files that are going to be burnt. When the burn is in progress, the shortcut is dereferenced and the current version of the file is passed to the burn engine. De Vorchik's Provisional Application further discloses that if a user is ready to commit changes to the disk, they can press the Eject button on the CD drive.

Independent claims 1, 25 and 49, as amended, include the limitation of receiving through a graphical user interface a command to eject said writeable media from said drive system, wherein upon the receiving of the command to eject, said DPS writes or erases said first data on said writeable media. Applicant respectfully submits that De Vorchik's Provisional Application does not disclose this limitation. De Vorchik's Provisional Application discloses physically pressing the Eject button on a CD drive to

commit files to a disc. (De Vorchik Provisional, p. 3, ll. 8-12). In contrast, Applicant's claim recites that upon receiving a command through a graphical user interface to eject, said DPS writes or erases data. Accordingly, independent claims 1, 25 and 49 and claims 2, 4, 5, 9-11, 26, 28, 29, 33-35, 50, 52, 53 and 57-59 that depend from them, are not anticipated by De Vorchik's Provisional Application.

Independent claims 14, 38 and 62 include the limitation of displaying automatically, in response to said receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to: (1) eject said blank once writeable media from said drive system or (2) use said blank once writeable media in said drive system or (3) launch an audio CD creation program. Applicant respectfully submits that De Vorchik's Provisional Application does not disclose this limitation. De Vorchik's Provisional Application does not disclose any prompts that are automatically displayed when a blank media is received. Furthermore, the Web View pane, described and illustrated on page 3 of the De Vorchik Provisional Application, is not a prompt displayed in response to inserted media. Additionally, the tasks displayed in the Web View Pane (e.g. Write CD, Clear contents of Staging Area, and Erase files) are not equivalent to the claimed selectable options (e.g. Eject, Use, Launch). Accordingly, independent claims 14, 38 and 62 are not anticipated by De Vorchik's Provisional Application.

Independent claims 18, 42 and 66 include the limitation of creating automatically, in response to said receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media. Applicant respectfully submits that De Vorchik's Provisional Application does not disclose this limitation. De Vorchik's Provisional Application discloses that when a user manually drags files to the CD, they are placed in a staging folder. However, De Vorchik does not disclose that a data file on a storage device coupled to the DPS is created automatically in response to receiving of a writeable media, as claimed. Accordingly, independent claims 18, 42 and 66, and 19-20, 22, 23, 43-44, 46, 47, 67-68, 70 and 71, that depend from them, are not anticipated by De Vorchik's Provisional Application.

Therefore, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §102(e).

**Rejections Under 35 U.S.C. §103(a)**

*De Vorchik in view of Official Notice*

Claims 3, 21, 27, 45, 51 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Vorchik et al., U.S. Patent Application Publication No. 2002/0051019 ("De Vorchik"). The Examiner has asserted Official Notice that DVD discs were well known in the art at the time of the invention. Applicant respectfully submits that the present claims are patentable over De Vorchik and the Official Notice.

As discussed above, the Examiner may only rely upon the disclosure supported by De Vorchik's Provisional Application 60/244,830, filed October 31, 2000. Claims 3, 21, 27, 45, 51 and 69 depend from independent claims 1, 18, 26, 42, 49 and 66. As discussed above, De Vorchik's Provisional Application does not teach or suggest every limitation of independent claims 1, 18, 26, 42, 49 and 66. Furthermore, the Examiner's asserted Official Notice does not teach or suggest the missing limitations. Accordingly, Applicant respectfully submits that claims 3, 21, 27, 45, 51 and 69 are patentable over the combination of De Vorchik and the Official Notice, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

*De Vorchik in view of Moore*

Claims 6, 7, 8, 12, 13, 15-17, 30, 31, 32, 36, 37, 39, 41, 54, 55, 56, 60, 61, 63 and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Vorchik et al., U.S. Patent Application Publication No. 2002/0051019 ("De Vorchik") in view of Moore et al., U.S. Patent No. 5,835,297 ("Moore"). Applicant respectfully submits that the present claims are patentable over the combination of De Vorchik and Moore.

As discussed above, the Examiner may only rely upon the disclosure supported by De Vorchik's Provisional Application 60/244,830, filed October 31, 2000. Claims 6, 7, 8, 12, 13, 15-17, 30, 31, 32, 36, 37, 39, 41, 54, 55, 56, 60, 61, 63 and 65 depend from independent claims 1, 14, 25, 38, 49 and 62. As discussed above, De Vorchik's

Provisional Application does not teach or suggest every limitation of independent claims 1, 14, 25, 38, 49 and 62. Applicant respectfully submits that Moore does not teach or suggest the missing limitations. Instead, Moore discloses displaying an icon representing a newly inserted CD-ROM. Accordingly, Applicant respectfully submits that claims 6, 7, 8, 12, 13, 15-17, 30, 31, 32, 36, 37, 39, 41, 54, 55, 56, 60, 61, 63 and 65 are patentable over the combination of De Vorchik and Moore, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

*De Vorchik in view of Official Notice*

Claims 24, 48 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Vorchik et al., U.S. Patent Application Publication No. 2002/0051019 ("De Vorchik"). The Examiner has asserted Official Notice that it was well known at the time of the invention that a storage device is a boot drive. Applicant respectfully submits that the present claims are patentable over De Vorchik and the Official Notice.

As discussed above, the Examiner may only rely upon the disclosure supported by De Vorchik's Provisional Application 60/244,830, filed October 31, 2000. Claims 24, 48 and 72 depend from independent claims 18, 42 and 66. As discussed above, De Vorchik's Provisional Application does not teach or suggest every limitation of independent claims 18, 42 and 66. Furthermore, the Examiner's asserted Official Notice does not teach or suggest the missing limitations. Accordingly, Applicant respectfully submits that claims 24, 48 and 72 are patentable over the combination of De Vorchik and the Official Notice, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

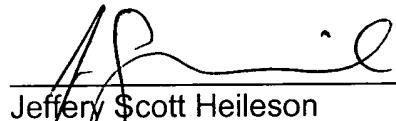
If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heileson at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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\_\_\_\_\_  
Jeffery Scott Heileson  
Reg. No. 46,765

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300